

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CLENDON DELAY NEAL,	:	Case No. 1:14-cv-373
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

**ORDER GRANTING PLAINTIFF'S MOTION
FOR ATTORNEY FEES (Doc. 28)**

This is a Social Security disability benefits appeal in which Plaintiff received Social Security disability benefits after this Court remanded the case for further proceedings. (Doc. 26). On March 14, 2018, Plaintiff's counsel filed a motion pursuant to 42 U.S.C. § 406(b)(1), seeking attorney fees for services rendered in pursuit of said benefits. (Doc. 28). The Commissioner did not oppose the motion, and the time for doing so has now expired.

Under 42 U.S.C. § 406(b)(1), an attorney who successfully represents a Social Security claimant may seek a reasonable fee for such representation, not in excess of twenty-five percent of the total past-due benefits to which the claimant is entitled. 42 U.S.C. § 406(b)(1); *see Horenstein v. Sec'y of Health & Human Servs.*, 35 F.3d 261, 262 (6th Cir. 1994).

The Court must determine the reasonableness of the fees sought subject to the statutory twenty-five percent cap. *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002).

Section 406(b) “does not displace contingent-fee agreements”; rather, it “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.” *Id.*

Here, counsel for Plaintiff seeks \$13,762.25 pursuant to a 25% contingency-fee agreement. (Doc. 28 at 3). \$13,762.25 represents 25% of Plaintiff’s past due benefits, less certain administrative fees already paid to Plaintiff’s counsel. (*Id.* at 3, 8, 16). Upon review, the Court finds that the contingency-fee is reasonable in light of the many hours expended by Plaintiff’s counsel in pursuit of a favorable outcome for his client. (*See id.* at 17-20).

Based upon the foregoing, Plaintiff’s motion for attorney fees is **GRANTED** and the Commissioner is directed to pay Plaintiff’s attorney fees pursuant to 42 U.S.C. § 406(b)(1) in the amount of **\$13,762.25**.

IT IS SO ORDERED.

Date: 4/17/19

Timothy S. Black
Timothy S. Black
United States District Judge